



Teaching
Regulation
Agency

Mr Oliver Peers: Professional conduct panel outcome

**Panel decision and reasons on behalf of the
Secretary of State for Education**

November 2020

Contents

Introduction	3
Allegations	4
Preliminary applications	6
Summary of evidence	6
Documents	6
Witnesses	6
Decision and reasons	6
Findings of fact	7
Findings as to unacceptable professional conduct and/or conduct that may bring the profession into disrepute	9
Panel's recommendation to the Secretary of State	12
Decision and reasons on behalf of the Secretary of State	15

Professional conduct panel decision and recommendations, and decision on behalf of the Secretary of State

Teacher:	Mr Oliver Peers
Teacher ref number:	9638453
Teacher date of birth:	2 July 1973
TRA reference:	18752
Date of determination:	20 November 2020
Former employer:	The Hammond School, Chester

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 18 November 2020 by video conference, to consider the case of Mr Oliver Peers.

The panel members were Mr Kevin Robertshaw (lay panellist – in the chair), Mr Clive Ruddle (lay panellist) and Ms Dawn Hawkins (teacher panellist).

The legal adviser to the panel was Ms Abigail Trencher of Birketts LLP solicitors.

The presenting officer for the TRA was Mr Ian Perkins of Browne Jacobson LLP solicitors.

Mr Peers was present and was not represented.

The hearing took place in public (with parts being held in private session) and was recorded.

Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 14 October 2020.

It was alleged that Mr Peers was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that in connection with his employment as a teacher at The Hammond School he:

1. Engaged in inappropriate and/or unprofessional behaviour towards members of staff and/or pupils at the school including by:
 - a. Sending inappropriate emails in relation to proposed contact with pupils stating the following or words to the effect of:
 - i. In relation to Pupil A joining his carousel group: “Please EEEE. Please pretty pleas EEEE. He is the ONE I hoped for. I’m sure he’s wonderful at chemistry. But my gifted and talented make-my-week soul reached out to him. Brexit might be all the farrago- but permit me an Ode To Joy! Oh go on”;
 - ii. When suggesting that he take Pupil B off-site for an hour: “I really love [Pupil B] and can you give it to me”;
 - iii. “Hi Individual A, I have been told I should not be in contact with you. Look away now; this was the email to Witness A and Individual B: Looking ahead, would it be a good idea for me to take [Pupil B] for a walk for an hour on Monday from 2 till 3? If not-in terms of insurance and safe-guarding etc- I really love [Pupil B] and you can give it to me OI Paedophile central! Always ask the [redacted] permission! Love-love [Pupil B]- love OI”;
 - b. Sending various inappropriate emails to members of staff at the school discussing topics of a sexual nature including, but not limited to:
 - i. “Never be afraid of expressing your love for young people.”
 - ii. “Ps- I was laying there naked with a trans 19 and thinking: is it really that difficult?”
 - iii. “All I ask is that it be known I work hard, I’m a pretty good at English, and I’m not a paedophile. Love [Pupil B] ffs! Ha!”
 - iv. “(I’m just trying it again-to imagine- Mr Peers takes [Pupil B] for a walk and Bad laugh.) I am still feeling very angry and violated by this. I feel as if I’ve been raped.”

v. “Lol- I really hate ballet! [video attached] Quite fun, I’ve never watched all that shit they go through without giggling. And I’ve had a few. xOI”

2. Engaged in inappropriate contact with pupils C,D,E,F,G,H,I and J including by:
 - a. Following them on social media namely:
 - i. Instagram;
 - ii. Facebook;
 - b. Making inappropriate comments on their content on Instagram;
 - c. Meeting with pupils B, C, G, H, I and J in Chester on or around 15 June 2019;
 - d. Uploading a photo of pupils B, C, G, H, I and J to his Instagram account;
 - e. On or around 27 June 2019 he sent a dance video clip to pupils D, E, F and G;
 - f. On or around 30 June 2019 he commented on a photo uploaded by Pupil C with the following or words to the effect of “Oh very! Those skirts are quite funny. I never knew what they mean what they meant when they told me to watch for girls rolling. Like what?”
3. His behaviour as may be found proven at allegations 1 and/or 2 above was conduct of a sexual nature and/or was sexually motivated.

Mr Peers admits sending the emails referred to in allegations 1.ai–iii and those in allegations 1.bi–v. He also admits that in sending those emails his conduct amounted to unprofessional conduct. He does not admit that in sending those emails his conduct amounted to unacceptable professional conduct towards staff and/or pupils and/or conduct that may bring the profession into disrepute.

With regard to allegation 2, Mr Peers admits the contact referred to apart from that at allegation 2.a.ii, which the TRA has not pursued. Mr Peers does not accept the conduct alleged at allegation 2 falls within the TRA’s jurisdiction as it took place after he had ceased being employed as a teacher.

With regards to allegation 3, Mr Peers does not accept that the behaviour set out in allegations 1 and or 2 was of a sexual nature or sexually motivated.

Preliminary applications

The panel considered an application from Mr Peers that the hearing should be held in private. It was decided that it was in the public interest for the hearing to be held in public but decided it would hear certain parts of Mr Peers' evidence and submissions in private.

The panel also considered an application from the presenting officer for the admission of additional documents. There was no objection to the admission of the additional documents by Mr Peers. The panel determined that the emails provided by the TRA were highly relevant documents and it would be in the interests of justice for those documents to be considered at the hearing and should therefore form part of the bundle.

Summary of evidence

Documents

In advance of the hearing, the panel received a bundle of documents which included:

Section 1: Notice of Proceedings and Notice of Referral – pages 2 to 41

Section 2: Witness statements – pages 43 to 45

Section 3: Teaching Regulation Agency documents – pages 47 to 111

Section 4: Teacher documents – pages 113 to 173

Section 5: Correspondence between Teacher and Presenting Officer – pages 175 to 273

The panel members confirmed that they had read all of the documents within the bundle, in advance of the hearing.

Witnesses

The panel heard oral evidence from the following witness called by the presenting officer:

- Witness A

The panel additionally heard oral evidence from Mr Peers.

Decision and reasons

The panel announced its decision and reasons as follows:

The panel carefully considered the case before it and reached a decision.

Mr Peers was employed at The Hammond School as an English teacher from 1 September 2018 to 8 March 2019.

It was alleged that Mr Peers engaged in sending inappropriate emails to staff members in relation to proposed contact with pupils.

An investigation into the allegations was conducted by the school following which a disciplinary meeting was held on 21 February 2019. The decision was taken by the school that Mr Peers should be dismissed and that decision was communicated to him on 22 February 2019. Mr Peers ceased working at The Hammond School on 8 March 2019.

On or around 15 June 2019, it was alleged that Mr Peers engaged in inappropriate contact with his former pupils. This included following them on social media sites Instagram and Facebook, making inappropriate comments on the pupils' content on Instagram and uploading photos of pupils to his Instagram account.

On or around 27 June 2019, it was alleged Mr Peers sent a dance video clip to pupils and that on or around 30 June 2019 he commented on a photo uploaded by Pupil C to Instagram.

[Redacted] subsequently investigated these allegations by speaking to the pupils involved on 30 June and 1 July 2019. The pupils confirmed they saw Mr Peers on 15 June 2019 and that there was an exchange of communications between the pupils and Mr Peers on social media for a series of weeks and disclosed evidence of this to the [redacted] and other members of staff.

Findings of fact

The findings of fact are as follows:

The panel found the following particulars of the allegations against you proved, for these reasons:

Between September 2018 and June 2019, you:

- 1. Engaged in inappropriate and/or unprofessional behaviour towards members of staff and/ or pupils at the school including by;**
 - a. Sending inappropriate emails in relation to proposed contact with Pupils stating the following or words to the effect of:**
 - i. In relation to Pupil A joining your carousel group: "Please EEEE. Please pretty pleas EEEE. He is the ONE I hoped for. I'm sure he's wonderful at chemistry. But my gifted and talented make-my-week**

soul reached out to him. Brexit might be all the farrago- but permit me an Ode To Joy! Oh go on”;

ii. When suggesting that you take Pupil B off-site for an hour: “I really love [Pupil B] and can you give it to me”;

iii. “Hi Individual A, I have been told I should not be in contact with you. Look away now; this was the email to Witness A and Individual B: Looking ahead, would it be a good idea for me to take [Pupil B] for a walk for an hour on Monday from 2 till 3? If not-in terms of insurance and safeguarding etc- I really love [Pupil B] and you can give it to me OI Paedophile central! Always ask the [redacted] permission! Love-love [Pupil B]- love OI”;

On examination of the documents before the panel, the panel was satisfied on the balance of probabilities that the emails were sent. The documents in the bundle confirm that Mr Peers wrote these emails to staff members, and Mr Peers admits to having sent them.

b. Sending various inappropriate emails to members of staff at the school discussing topics of a sexual nature including, but not limited to:

i. “Never be afraid of expressing your love for young people.”

ii. “Ps- I was laying there naked with a trans 19 and thinking: is it really that difficult?”

iii. “All I ask is that it be known I work hard, I’m a pretty good at English, and I’m not a paedophile. Love [Pupil B] ffs! Ha!”

iv. “(I’m just trying it again-to imagine- Mr Peers takes [Pupil B] for a walk and Bad laugh.) I am still feeling very angry and violated by this. I feel as if I’ve been raped.”

v. “Lol- I really hate ballet! [video attached] Quite fun, I’ve never watched all that shit they go through without giggling. And I’ve had a few. xOI”

On examination of the documents before the panel, the panel was satisfied on the balance of probabilities that the emails were sent. The documents in the bundle confirm Mr Peers wrote these emails to staff members and Mr Peers admitted to having sent them. The Panel consider the emails were inappropriate and that the volume of the emails sent and the language used by Mr Peers in some of them, which was sexual in nature, may have shocked and upset the members of staff who received them.

2. **Engaged in inappropriate contact with pupils C,D,E,F,G,H,I and J including by;**
 - a. **Following them on social media namely:**
 - i. **Instagram;**
 - ii. **Facebook;**
 - b. **Making inappropriate comments on their content on Instagram;**
 - c. **Meeting with pupils B, C, G, H, I and J in Chester on or around 15 June 2019;**
 - d. **Uploading a photo of pupils B, C, G, H, I and J to your Instagram account;**
 - e. **On or around 27 June 2019 you sent a dance video clip to pupils D, E, F and G;**
 - f. **On or around 30 June 2019 you commented on a photo uploaded by Pupil C with the following or words to the effect of “Oh very! Those skirts are quite funny. I never knew what they mean what they meant when they told me to watch for girls rolling. Like what?”**

On examination of the documents before the panel and the oral evidence given, the panel was satisfied that the contact set out in allegation 2 took place, with the exception of allegation 2.ii, which Mr Peers did not admit and which the TRA did not pursue.

3. **Your behaviour as may be found proven at allegations 1 and/or 2 above was conduct of a sexual nature and/or was sexually motivated.**

The panel carefully considered the words and actions found proved at allegations 1 and 2 and whilst they concluded that those at allegation 1.b. contained sexually explicit language, the panel found that it was not of itself conduct of a sexual nature nor sexually motivated.

Findings as to unacceptable professional conduct and/or conduct that may bring the profession into disrepute

Having found the facts of the allegations proved, the panel went on to consider whether they amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

In doing so, the panel had regard to the Teacher Misconduct: The Prohibition of Teachers, which is referred to as “the Advice”.

The panel was satisfied that the conduct of Mr Peers, in relation to the facts found proved, involved breaches of the Teachers’ Standards. The panel considered that, by reference to Part 2, Mr Peers was in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
 - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher’s professional position
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel went on to consider if the conduct of Mr Peers in respect of each of the allegations, amounted to conduct of a serious nature which fell significantly short of the standards expected of the profession.

Allegation 1

In respect of allegation 1, the panel considered the email referred to at 1.a.i) was poorly worded but of itself was not of a serious nature. The panel was satisfied by Mr Peers’ explanation that he was trying to be enthusiastic about the carousel groups and Pupil A’s inclusion within his carousel group.

With regards to the email referred to in allegation 1.a.ii), the panel considered that Mr Peers’ choice of language was unclear and unwise, but was similarly not of a serious nature. The panel considered the background to the emails, in respect of Mr Peers’ [redacted] and that he was struggling with his teaching role, and would have benefited from more support and guidance.

With regards to the email referred to at 1.a.iii), the panel considered this more serious given its use of language and that it was flippant in the circumstances.

Overall, however, whilst the panel considered the emails to be worded inappropriately and demonstrated poor judgment, the Panel not did consider they met the threshold required so as to amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

Allegation 1.b.

With regard to allegation 1.b., the panel considered the extensive emails that were included in the bundle and the language they contained. The panel found that the language was frequently crude and vulgar, and sexually explicit. The panel considered that the staff members who received them were likely to be shocked by the language and disturbed by the volume of emails being sent to them. The panel noted that the school had deemed it necessary to ask Mr Peers to stop sending such emails. The panel also noted the Mr Peers accepted that they were inappropriate and indefensible.

The panel was satisfied that when viewed together, in their totality, in terms of the language they contained and the number of emails sent, the conduct of Mr Peers amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

Allegation 2

In respect of allegation 2, Mr Peers admitted all the contact set out in this allegation apart from that set out at allegation 2.a.ii), which was not pursued by the TRA.

The panel was concerned with the jurisdiction elements of this allegation as it concerned events that took place in June 2019, when Mr Peers' employment as a teacher had ended in March 2019. Mr Perkins stated in his submission that the proximity in time, and the fact that the contact was with pupils who Mr Peers had taught whilst employed at the school and who were still pupils of that school, was sufficient to bring it within the TRA's jurisdiction.

The panel was satisfied that Mr Peers has not intended to meet the pupils concerned in Chester on the day in question. Instead a few pupils saw him in Chester and then communicated his presence to other pupils who then sought him out and engaged him in conversation.

The panel was satisfied that Mr Peers' conduct, in engaging in conversation with the pupils, was reasonable and took place in a public space.

The panel considered that Mr Peers should have known that he should not have taken the photo of his former pupils and uploaded it onto his Instagram account. Neither should he have engaged with them on Instagram as he then went on to do. Whilst the panel accepted Mr Peers considered that as he was no longer employed as a teacher it was not inappropriate for him to engage in such activity, the panel was of the view he should have known such contact with past pupils was inappropriate.

The panel was not satisfied on the evidence provided that the level of contact, whilst inappropriate, was conduct of such a serious nature as to fall significantly short of the standards expected of the profession. The panel was not shown the video Mr Peers

uploaded but neither did it hear or read any evidence that suggested it was of a sexual nature or seriously inappropriate.

Whilst the panel concluded the contact was inappropriate it was not, on the evidence put forward, satisfied that on balance it was of a very serious nature so as to amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

Allegation 3

In respect of allegation 3, the panel reviewed all the evidence they had considered during the hearing and concluded that whilst the emails referred to in allegation 1.b. used sexually explicit language, there was no evidence that led it to consider that Mr Peers' conduct was of a sexual nature. The panel went on to consider if there was evidence that his conduct was sexually motivated. The panel was satisfied that there was no evidence that he had derived sexual gratification from any of the conduct found proven or that it was done in pursuit of a sexual relationship.

Having concluded that in respect of allegation 1.b., the conduct of Mr Peers amounted to conduct that fell significantly short of the standards expected of the profession, the panel considered if Mr Peers' conduct amounted to conduct that may bring the profession into disrepute.

The panel took into account the way the teaching profession is viewed by others and considered the influence that teachers may have on pupils, parents and others in the community. The panel also took account of the uniquely influential role that teachers can hold in pupils' lives and the fact that pupils must be able to view teachers as role models in the way that they behave. The findings of misconduct are serious, and the conduct displayed would be likely to have a negative impact on the individual's status as a teacher, potentially damaging the public perception.

Accordingly, the panel was satisfied that Mr Peers was guilty of unacceptable professional conduct that may bring the profession into disrepute, in respect of allegation 1.b.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of unacceptable professional conduct and conduct that may bring the profession into disrepute, it was necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel had to consider whether it would be an appropriate and proportionate measure, and whether it would be in the public interest to do so. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

The panel had regard to the particular public interest considerations set out in the Advice and, having done so, found a number of them to be relevant in this case, namely: the protection of other members of the public, in particular staff members with whom Mr Peers might work, the maintenance of public confidence in the profession; and declaring and upholding proper standards of conduct.

In the light of the panel's findings against Mr Peers:

The panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Peers were not treated with the utmost seriousness when regulating the conduct of the profession.

Similarly, the panel was of the view that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mr Peers was outside that which could reasonably be tolerated.

In view of the clear public interest considerations that were present, the panel considered carefully whether or not it would be proportionate to impose a prohibition order, taking into account the effect that this would have on Mr Peers.

In carrying out the balancing exercise, the panel had regard to the public interest considerations both in favour of, and against, prohibition as well as the interests of Mr Peers. The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proved. In the list of such behaviours, those that were relevant in this case were:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- a deep seated attitude that leads to harmful behaviour
- sustained or serious bullying, or other deliberate behaviour that undermines pupils, the profession, the school or colleagues

Even though some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, the panel went on to consider the mitigating factors. Mitigating factors may indicate that a prohibition order would not be appropriate or proportionate.

There was no evidence that Mr Peers' actions were not deliberate, beyond his own witness evidence and submissions which at times were contradictory. Whilst Mr Peers asserted that they were not deliberate and that in many instances he could not recollect having sent the emails in question, he also, in evidence, stated that he had deliberately used coarse expressions in emails to remonstrate against the accusations of inappropriate conduct of which he perceived he was being accused.

There was no evidence to suggest that Mr Peers was acting under duress. Whilst the panel accepts that Mr Peers found working at the school challenging and difficult and had had an impact on his health, giving rise to a period of sick leave, he confirmed he was feeling better by 9 February 2019. There was no evidence put forward that he was placed under any undue or extraordinary pressure or that some other event had impacted upon him so as to affect his behaviour at that time. The panel is also minded that the evidence of his correspondence with the investigating officer appointed by the TRA shows a similar pattern of behaviour. In particular, his use of similar coarse language and the coherency and sheer volume of emails.

In light of the panel's findings:

The panel first considered whether it would be proportionate to conclude this case with no recommendation of prohibition, considering whether the publication of the findings made by the panel would be sufficient.

The panel was of the view that, applying the standard of the ordinary intelligent citizen, it would not be a proportionate and appropriate response to recommend no prohibition order. Recommending that the publication of adverse findings would be sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Peers of prohibition.

The panel was of the view that prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Mr Peers. There was no evidence put forward as to Mr Peers' previous good record and history as a teacher that led the panel to consider that there was an exceptionally strong public interest in him being able to continue to teach. Indeed, Mr Peers admitted that he was not going to return to teaching as he did not consider himself suitable to work in that capacity, both in respect of the professional and personal elements required of the role. In the panel's opinion the risk of harm posed by Mr Peers continuing to be able to teach is the impact he may have on his colleagues. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate for it to decide to recommend a review period of the order. The panel was mindful that the Advice states that a prohibition order applies for life, but there may be circumstances, in any given

case, that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than two years.

The panel found that Mr Peers had shown a pattern of behaviour that demonstrated his inability to control or moderate the way he responded to external pressures and difficult situations, such as the school's instigation of disciplinary action against him and the TRA's investigation into his conduct. Whilst he showed remorse for his conduct and behaviour and some insight into its cause, he offered no plan or strategy for addressing it, so as to prevent or reduce the risk of such behaviour reoccurring in the future.

The panel considered that Mr Peers requires time to reflect further on his behaviour, and particularly his forms of communication, and the impact it has on those concerned, and to find ways to address the issues that may be responsible for it. Only once he has done so will he be able to satisfy any future panel that he can exercise sufficient self-control so as to ensure he is able to conduct himself in a professional manner, and that he is a person who can again be given the trust that is required in a teaching role.

The panel decided that the findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended with a review period of two years.

Decision and reasons on behalf of the Secretary of State

I have given very careful consideration to this case and to the recommendation of the panel in respect of both sanction and review period.

In considering this case, I have also given very careful attention to the Advice that the Secretary of State has published concerning the prohibition of teachers.

In this case, the panel has found some of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. In this case, the panel has found some of the allegations not proven, and / or found that some allegations do not amount to unacceptable professional conduct or conduct likely to bring the profession into disrepute, or a relevant conviction. I have therefore put those matters entirely from my mind.

The panel has made a recommendation to the Secretary of State that Mr Oliver Peers should be the subject of a prohibition order, with a review period of two years.

In particular, the panel has found that Mr Peers is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by

- treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel finds that the conduct of Mr Peers fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a finding of sending inappropriate emails to staff and that the volume of the emails sent and the language used by Mr Peers in some of them, which was sexual in nature, may have shocked and upset the members of staff who received them, and that Mr Peers engaged in inappropriate contact with his former pupils.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself, whether a less intrusive measure, such as the published finding of unacceptable professional conduct and conduct that may bring the profession into disrepute, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Mr Peers and the impact that will have on him, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children, although the panel did not comment on risk to children, it did observe, "the risk of harm posed by Mr Peers continuing to be able to teach is the impact he may have on his colleagues". A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel's comments on insight and remorse, which the panel sets out as follows, "there was no evidence put forward that he was placed under any undue or extraordinary pressure or that some other event had impacted upon him so as to affect his behaviour at that time" and "whilst he showed remorse for his conduct and behaviour and some insight into its cause, he offered no plan or strategy for addressing it, so as to prevent or reduce the risk of such behaviour reoccurring in the future".

In my judgement, the lack of insight means that there is some risk of the repetition of this behaviour. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, “the protection of other members of the public, in particular staff members with whom Mr Peers might work, the maintenance of public confidence in the profession; and declaring and upholding proper standards of conduct”.

I am particularly mindful of the finding of inappropriate behaviour in this case and the impact that such a finding has on the reputation of the profession. The panel found that “Mr Peers had shown a pattern of behaviour that demonstrated his inability to control or moderate the way he responded to external pressures and difficult situations, such as the school’s instigation of disciplinary action against him and the TRA’s investigation into his conduct”.

I have had to consider that the public has a high expectation of professional standards of all teachers and that the public might regard a failure to impose a prohibition order as a failure to uphold those high standards. In weighing these considerations, I have had to consider the matter from the point of view of an “ordinary intelligent and well-informed citizen”.

I have considered whether the publication of a finding of unacceptable professional conduct, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Mr Peers himself. I have noted he is not currently employed in teaching and the panel commented “Mr Peers admitted that he was not going to return to teaching as he did not consider himself suitable to work in that capacity, both in respect of the professional and personal elements required of the role”.

A prohibition order would prevent Mr Peers from teaching. A prohibition order would also clearly deprive the public of his contribution to the profession for the period that it is in force.

In this case, I have placed considerable weight on the panel’s comments concerning the lack of insight or remorse. The panel has said, “whilst Mr Peers asserted that they were not deliberate and that in many instances he could not recollect having sent the emails in question, he also, in evidence, stated that he had deliberately used coarse expressions in emails to remonstrate against the accusations of inappropriate conduct of which he perceived he was being accused”.

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Peers has made to the profession. In particular I noted the panels comment “there was no evidence put forward as to Mr Peers’ previous good record and history as a teacher that led the panel to consider that there was an exceptionally strong public interest in him being able to continue to teach”. In my view, it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision, in light of the circumstances in this case, that is not backed up by remorse or insight, does not in my view satisfy the public interest requirement concerning public confidence in the profession.

For these reasons, I have concluded that a prohibition order is proportionate and in the public interest in order to achieve the intended aims of a prohibition order.

I have gone on to consider the matter of a review period. In this case, the panel has recommended a 2 year review period.

I have considered the panel’s comments “Mr Peers requires time to reflect further on his behaviour, and particularly his forms of communication, and the impact it has on those concerned, and to find ways to address the issues that may be responsible for it” and “only once he has done so will he be able to satisfy any future panel that he can exercise sufficient self-control so as to ensure he is able to conduct himself in a professional manner, and that he is a person who can again be given the trust that is required in a teaching role”.

I have considered whether a 2 year review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession.

In this case I have decided that a 2 review period is required to satisfy the maintenance of public confidence in the profession.

This means that Mr Oliver Peers is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children’s home in England. He may apply for the prohibition order to be set aside, but not until 4 December 2022, 2 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If he does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Mr Peers remains prohibited from teaching indefinitely.

This order takes effect from the date on which it is served on the teacher.

Mr Peers has a right of appeal to the Queen’s Bench Division of the High Court within 28 days from the date he is given notice of this order.

A handwritten signature in black ink, appearing to read 'SABuxcey', with a horizontal line underneath.

Decision maker: Sarah Buxcey

Date: 27 November 2020

This decision is taken by the decision maker named above on behalf of the Secretary of State.